

STATE OF NEW YORK

9165

IN SENATE

September 12, 2018

Introduced by Sen. PHILLIPS -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the penal law, in relation to including licensed municipal public safety officers on the list of public employees for which prevention of duties qualifies as assault in the second degree

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivisions 3 and 11 of section 120.05 of the penal law,
2 subdivision 3 as amended by chapter 267 of the laws of 2016 and subdivi-
3 sion 11 as separately amended by chapters 268 and 281 of the laws of
4 2016, are amended to read as follows:

5 3. With intent to prevent a peace officer, a police officer, prosecu-
6 tor as defined in subdivision thirty-one of section 1.20 of the criminal
7 procedure law, registered nurse, licensed practical nurse, public health
8 sanitarian, New York city public health sanitarian, sanitation enforce-
9 ment agent, New York city sanitation worker, a firefighter, including a
10 firefighter acting as a paramedic or emergency medical technician admin-
11 istering first aid in the course of performance of duty as such fire-
12 fighter, an emergency medical service paramedic or emergency medical
13 service technician, or medical or related personnel in a hospital emer-
14 gency department, a city marshal, a school crossing guard appointed
15 pursuant to section two hundred eight-a of the general municipal law, a
16 traffic enforcement officer, traffic enforcement agent, licensed municip-
17 al public safety officer or employee of any entity governed by the
18 public service law in the course of performing an essential service,
19 from performing a lawful duty, by means including releasing or failing
20 to control an animal under circumstances evincing the actor's intent
21 that the animal obstruct the lawful activity of such peace officer,
22 police officer, prosecutor as defined in subdivision thirty-one of
23 section 1.20 of the criminal procedure law, registered nurse, licensed
24 practical nurse, public health sanitarian, New York city public health
25 sanitarian, sanitation enforcement agent, New York city sanitation work-
26 er, firefighter, paramedic, technician, city marshal, school crossing
27 guard appointed pursuant to section two hundred eight-a of the general

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD16528-01-8

1 municipal law, traffic enforcement officer, traffic enforcement agent,
2 licensed municipal public safety officer or employee of an entity
3 governed by the public service law, he or she causes physical injury to
4 such peace officer, police officer, prosecutor as defined in subdivision
5 thirty-one of section 1.20 of the criminal procedure law, registered
6 nurse, licensed practical nurse, public health sanitarian, New York city
7 public health sanitarian, sanitation enforcement agent, New York city
8 sanitation worker, firefighter, paramedic, technician or medical or
9 related personnel in a hospital emergency department, city marshal,
10 school crossing guard, traffic enforcement officer, traffic enforcement
11 agent, licensed municipal public safety officer or employee of an entity
12 governed by the public service law; or

13 11. With intent to cause physical injury to a train operator, ticket
14 inspector, conductor, signalperson, bus operator, station agent, station
15 cleaner or terminal cleaner employed by any transit agency, authority or
16 company, public or private, whose operation is authorized by New York
17 state or any of its political subdivisions, a city marshal, a school
18 crossing guard appointed pursuant to section two hundred eight-a of the
19 general municipal law, a traffic enforcement officer, traffic enforce-
20 ment agent, licensed municipal public safety officer, prosecutor as
21 defined in subdivision thirty-one of section 1.20 of the criminal proce-
22 dure law, sanitation enforcement agent, New York city sanitation worker,
23 public health sanitarian, New York city public health sanitarian, regis-
24 tered nurse, licensed practical nurse, emergency medical service
25 paramedic, or emergency medical service technician, he or she causes
26 physical injury to such train operator, ticket inspector, conductor,
27 signalperson, bus operator, station agent, station cleaner or terminal
28 cleaner, city marshal, school crossing guard appointed pursuant to
29 section two hundred eight-a of the general municipal law, traffic
30 enforcement officer, traffic enforcement agent, licensed municipal
31 public safety officer, prosecutor as defined in subdivision thirty-one
32 of section 1.20 of the criminal procedure law, registered nurse,
33 licensed practical nurse, public health sanitarian, New York city public
34 health sanitarian, sanitation enforcement agent, New York city sanita-
35 tion worker, emergency medical service paramedic, or emergency medical
36 service technician, while such employee is performing an assigned duty
37 on, or directly related to, the operation of a train or bus, including
38 the cleaning of a train or bus station or terminal, or such city
39 marshal, school crossing guard, traffic enforcement officer, traffic
40 enforcement agent, licensed municipal public safety officer, prosecutor
41 as defined in subdivision thirty-one of section 1.20 of the criminal
42 procedure law, registered nurse, licensed practical nurse, public health
43 sanitarian, New York city public health sanitarian, sanitation enforce-
44 ment agent, New York city sanitation worker, emergency medical service
45 paramedic, or emergency medical service technician is performing an
46 assigned duty; or

47 § 2. This act shall take effect immediately.